

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-VS-

13-CR-6006

KENYA BROWN,

Defendant

Siragusa, J. This case was referred by text order of the undersigned, entered on January 8, 2013, to Magistrate Judge Jonathan W. Feldman pursuant to 28 U.S.C. § 636(b)(1)(A)-(B), ECF No. 70. On March 16, 2013, Defendant filed an omnibus motion, ECF No. 85, seeking *inter alia* suppressions of post-arrest statements allegedly made to law enforcement. Subsequently, on May 26, 2012, Defendant filed a motion, ECF No. 103, seeking suppression of evidence seized as a result of the surreptitious installation of a GPS tracker on a vehicle he was driving. Then on June 1, 2013, Defendant filed a motion seeking dismissal of the indictment for alleged violations of the Speedy Trial Act. On July 10, 2013, Magistrate Judge Feldman filed a Report and Recommendation ("R & R"), ECF No. 166, recommending that the Court deny Defendant's applications to dismiss the indictment and to suppress evidence. Additionally, by his R & R, Judge Feldman confirmed his earlier oral R & R of June 25, 2013, ECF No. 111, in which he determined the statements at issue were lawfully obtained and he which he recommended that their suppression be denied and that they be admissible at trial. The time has passed for Defendant to file any objections to the R & R, and none have been filed.

Accordingly, for the reasons set forth in Magistrate Judge Feldman's R & R of July 10, 2013, Defendant's application to dismiss the indictment for alleged violations of the Speedy Trial Act is denied, and his application to suppress evidence seized as a result of the surreptitious installation of a GPS tracker on a vehicle Defendant was driving is also denied. Moreover, for the reasons set forth in Magistrate Judge Feldman's oral R & R of June 25, 2013 and confirmed by his R & R of July 10, 2013, Defendant's application to suppress statements is denied.

IT IS SO ORDERED.

Dated: Rochester, New York
September 9, 2013

ENTER:

/s/ Charles J. Siragusa

CHARLES J. SIRAGUSA
United States District Judge